DEVIN DERHAM-BURK #104353 1 **CHAPTER 13 STANDING TRUSTEE** P O Box 50013 2 San Jose, CA 95150-0013 3 Telephone: (408) 354-4413 Facsimile: (408) 354-5513 4 Trustee for Debtor(s) 5 6 7 UNITED STATES BANKRUPTCY COURT 8 NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5 9 In re: 10 Chapter 13 LAAN, HERMINIO SERRANO 11 Case No. 10-55761 ASW 12 FIRST AMENDED TRUSTEE'S OBJECTION TO CONFIRMATION WITH CERTIFICATE OF SERVICE 13 Pre-Hearing Conference Date: SEPTEMBER 13, 2010 14 Pre-Hearing Conference Time: 2:00 PM Place: 280 S. 1<sup>st</sup> Street Room 3020 San Jose, CA 15 Judge: Arthur S. Weissbrodt 16 17 Debtor(s) 18 Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 12% Plan 19 for the following reasons: 20 1. The debtor has failed to appear and/or submit to examination under oath at the meeting of 21 creditors under 11 U.S.C. §341(a). Without conducting this examination, the Trustee is 22 unable to adequately investigate the debtor's financial affairs as she is required to do 23 pursuant to 11 U.S.C. §1302(b)(1) (incorporating 11 U.S.C. §704(a)(4)). In addition, 24 until the debtor is examined by the Trustee, she is unable to recommend confirmation of 25

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the debtor's plan. The Trustee requests that the debtor appear at a rescheduled meeting of

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creditors.

2. The debtor has failed to provide the Trustee with either or both 1) a government-issued photo identification, or 2) proof of a social security number. *See* 11 U.S.C. §521(h). Without being able to establish the identity of the debtor, the Trustee is unable to adequately investigate the financial affairs of the debtor or recommend confirmation. The Trustee requests that the debtor provide her with verification of both identity and social security number.

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Dated: August 2, 2010

/S/ Devin Derham-Burk

Chapter 13 Trustee

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## **CERTIFICATE OF SERVICE BY MAIL**

I declare that I am over the age of 18 years, not a party to the within cause; my business

address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within First Amended Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on August 3, 2010.

Said envelopes were addressed as follows:

HERMINIO SERRANO LAAN 7617 HACKETT DR GILROY CA 95020 LAW OFFICES OF EDDY HSU 111 N MARKET ST #300 SAN JOSE CA 95113

/S/ Chaovalai Chulasawan
Office of Devin Derham-Burk, Trustee

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